

TOWN OF BILTMORE FOREST
PLANNING COMMISSION

AGENDA

Tuesday, October 6, 2026

4:00 p.m.

Biltmore Forest Town Hall

1. Welcome – Chair Saponaro
2. Approval of Minutes – July 28, 2026
3. Zoning Map Amendments – Discussion
4. Tree Preservation Ordinances – Review Potential Amendments
5. Next Meeting Notice – December 1, 2026 at 4pm
6. Adjourn

<https://us02web.zoom.us/j/83015148121?pwd=aG12eDZFU2RFSWx2Q09NOFFLMFAwQT09>

Meeting ID: 830 1514 8121

Passcode: 226922

Planning Commission Meeting Minutes for July 28th, 2026

Chairman Saponaro called the meeting to order on Wednesday, July 28th, 2026 at 4:03pm.

Those members in attendance are: Chairman Tony Saponaro, Ms. Angela Newnam, Ms. Pride Winkenwerder, Mr. Jonathan Gach, Dr. Ken Hornowski, Town Manager, Mr. Jonathan Kanipe. Town Planner, Mr. Tony Williams and Town Attorney, Mr. Billy Clarke were not present.

Chairman Saponaro called the meeting to order and welcomed those in attendance. He introduced new Planning Commission member Pride Winkenwerder, who offered brief remarks expressing enthusiasm for serving on the Commission.

Chairman Saponaro invited the Commission to consider approval of the minutes from the April 8, 2026 meeting. Several members commented favorably on the accuracy and detail of the prior minutes.

A motion to approve the minutes of April 8, 2026 was made by Ms. Angela Newnam and seconded by Ms. Pride Winkenwerder. The motion was unanimously approved.

Tree Preservation Ordinances

Chairman Saponaro adjusted the agenda order, discussing item 4 before item 3 to accommodate, Mr. Bill Hascher, Arborist for the Biltmore Estate.

Chairman Saponaro offered framing remarks before turning the discussion over to Ms. Newnam, who has been leading the tree ordinance review effort. He noted that the existing ordinances under Section 153.050 remain broadly accurate and comprehensive, but that the material canopy loss caused by Hurricane Helene — estimated at between 25 and 50 percent — combined with new development activity, makes this an appropriate time to revisit and potentially strengthen them.

Chairman Saponaro highlighted several structural features of the existing ordinances that he wished to preserve or clarify going forward:

- The distinction between rules applicable to **new construction** versus **existing residential lots**, with new construction appropriately subject to higher replacement standards.
- The current **catastrophic event exemption**, which indefinitely suspends the application of tree ordinances following a declared catastrophe. He suggested the board examine whether that exemption should have a defined duration or conditions.
- The existing exemption of **town-owned property** from tree ordinances, which he recommended retaining due to liability concerns, while suggesting the town could be encouraged to commit to a minimum level of tree planting as a matter of policy.
- Section 153.052, which broadly prohibits removal of or damage to any protected tree without regulatory approval, and grants the Ordinance Administrator discretionary authority to refuse removal requests deemed contrary to the intent of the ordinance — provisions Chairman Saponaro noted are rarely seen in other North Carolina municipalities.
- The existing replacement matrices, which he suggested could be updated to allow flexibility for homeowners who wish to plant a single, larger-caliper tree in lieu of multiple smaller replacement trees.

Ms. Newnam presented a research summary compiled with input from Mr. Kanipe, Ms. Winkenwerder, Mr. Bill Hascher. The presentation addressed three main areas: tree age, canopy loss estimation, and proposed ordinance changes.

Tree Age- Ms. Newnam reported that research into species-specific growth factors revealed that many of Biltmore Forest's prominent trees are likely older than previously assumed — potentially 150 to 200 years old in the case of large-diameter white oaks. This finding has significant implications: trees once thought to have ample remaining lifespan may in fact be approaching or entering their natural end-of-life period.

Canopy Loss Estimation- Ms. Newnam presented an independent calculation suggesting canopy loss may be as high as 50 percent in some areas, substantially more than the commonly cited 25–30 percent figure. Using cubic yards of debris removed by the town (correlated against an independent tree count estimate of 13,500 to 15,000 trees), and applying average canopy dimensions for a mature white oak, she estimated a loss of approximately 37 million square feet of canopy against a total town area of roughly 84 million square feet. She acknowledged these figures are estimates and noted that a forthcoming GIS-based LiDAR analysis would yield far more precise data.

Ongoing Tree Stress- Ms. Newnam noted that trees which survived Helene continue to show signs of stress from subsequent cicada activity, drought, and heat, and that additional losses are anticipated. She emphasized the financial dimension of canopy loss, citing arborist-estimated values of \$10,000 to \$200,000 for mature white oak trees, and argued that the combined factors of age, storm loss, and continued stress make this an urgent moment to strengthen the ordinances.

Mr. Hascher, who has served as an arborist for the Biltmore Estate for 24 years, shared observations from the estate's post-Helene experience. He confirmed that the estate lost approximately 1,500 to 1,600 trees from its inventory of roughly 15,000 to 16,000 catalogued

landscape trees — approximately 10 percent — not counting heavily impacted forested areas bordering the town, where losses were significantly higher. He noted that Scarlet Oaks had a 30 percent failure rate in the storm, and White Pines approximately 14 percent, while Tulip Poplars showed a failure rate of only around 3 percent. He suggested these species-specific failure rates should inform replanting decisions.

Mr. Hascher noted that red oaks planted at the estate in 2004 at approximately 3-inch caliper had grown to 18–20 inches in diameter over 20 years, providing a useful real-world growth rate benchmark. He cautioned that even large transplanted trees will not replicate the majestic canopy of old-growth specimens, and stressed the importance of proper site selection, species diversity matched to local forest composition, and attention to changing climate conditions — particularly USDA hardiness zone shifts — when selecting replacement species. He also observed that the storm had altered local hydrology in some areas, causing trees to sit wetter than usual, and that a 10-year "reset period" of continued ecological adjustment should be expected. The estate's own replanting program relies on both natural regeneration and nursery stock, with larger caliper trees — such as 6-inch tulip poplars sourced from Maryland — reserved for high-visibility locations.

Proposed Ordinance Changes

Ms. Newnam walked through her drafted proposed revisions to the tree ordinances, framing them as discussion-level proposals rather than final recommendations.

Town Arborist Role- Ms. Newnam proposed more explicitly distinguishing the roles of the Town Arborist, Mr. Mike Dale and Mr. Kanipe in the ordinance, with the arborist serving as the primary fact-finder and field evaluator and the administrator handling enforcement. Mr. Kanipe clarified that Mr. Dal is already a certified arborist who has been performing this function under the existing "designee" authority, and that this arrangement is operative. The board agreed that making this division of responsibility more explicit in the ordinance language could be beneficial.

Tree Inventory- Ms. Newnam suggested the town develop a formal tree inventory by property, which would support the proposed shift from tree-count-based thresholds to canopy-percentage-based thresholds.

Protected Tree Definition- Ms. Newnam proposed lowering the minimum diameter threshold for "protected" status from 6 inches to 3 or 4 inches for native species, giving greater protection to younger trees of desirable species while maintaining a different threshold for non-native or less preferred species.

Percentage-Based Removal Thresholds- A significant proposed change was to shift the trigger for heightened review from a flat number of trees (currently 10) to a percentage of canopy coverage on a given lot. The board broadly agreed with this concept, recognizing that removing 10 trees on a half-acre lot is categorically different from removing 10 trees on a 15-acre lot. Commissioner Drew Stephens articulated this as a shift from prescriptive to performance-based regulation — analogous to requiring a building to meet an energy efficiency standard rather than specifying particular window types.

Setback Protections- Ms. Newnam proposed significantly stricter standards for tree removal within setbacks, reasoning that trees in setbacks cannot be built upon anyway and that their removal affects the structural health of neighboring trees through disruption of shared root and mycorrhizal networks. She proposed prohibiting removal of protected trees within setbacks and limiting removal of unprotected trees there as well, with different replacement requirements applying inside versus outside setbacks.

Replacement Caliper Standards- Ms. Newnam proposed increasing required replacement caliper sizes and consolidating the current two-for-one replacement ratio to a one-for-one ratio at a larger caliper, reflecting the view that a single larger tree is ecologically preferable to multiple smaller ones. She also circulated a pricing sheet showing that 6-inch caliper native trees are available and installed for approximately \$2,000–\$4,000, making higher caliper requirements financially feasible for most applicants.

Enforcement- Several members identified enforcement as a key gap. Mr. Kanipe noted that a large majority of tree removal approvals involve unprotected trees, and that residents observing tree removal often assume violations are occurring when the work has in fact been properly permitted. He described a recent case in which a fully documented and approved removal was reported as a violation by a neighbor. The board discussed ways to improve community communication around approved removals, including the possibility of a small permitted-removal sign or color-coded ribbon system, and noted that statutory limits constrain the fines the town may impose. The board agreed that distinguishing between enforcement shortfalls and communication shortfalls would be important.

LiDAR / GIS Data. Commissioner Stephens reported that the town has engaged a GIS intern to perform a change-detection analysis using pre- and post-Helene LiDAR data recently released by the state. This analysis is expected to yield accurate estimates of canopy and basal area loss across the town. The board agreed that this data would greatly inform the final form of ordinance revisions, but concurred with Chairman Saponaro that the data need not be awaited before making near-term incremental improvements to the ordinance.

Species Considerations- The discussion touched on the concept of differentiating protection levels by species, with the possibility of classifying certain storm-vulnerable or ecologically lower-priority species (such as White Pine) as unprotected regardless of size, while extending protection to smaller specimens of high-value native species. The board also discussed the importance of understanding successional species patterns and the value of encouraging natural regeneration, particularly in open areas created by the storm.

Next Steps- The board agreed that Mr. Kanipe and Ms. Newnam should continue refining the draft, with Town Arborist Mike Dale invited to participate in a working session. Members will review the draft materials individually and provide feedback. Chairman Saponaro indicated a target of reconvening on this item within approximately 45 days, acknowledging Angela's preference for earlier action given that fall and winter are optimal planting seasons. Mr. Kanipe

noted that any amendments to the tree ordinance, which is now embedded in the zoning ordinance, will require a formal public hearing process.

Zoning Map Amendment

Chairman Saponaro introduced the Zoning Map Amendment discussion, emphasizing that the board's objective is not to alter the nature or intensity of land uses in Biltmore Forest, but to more accurately reflect existing uses in the zoning map and ordinance text. He characterized the effort as one of clarification and administrative rationalization, noting that virtually the entire town is currently zoned residential despite the presence of clearly non-residential uses.

Mr. Kanipe provided an overview of the proposal's genesis and scope. He explained that the town's zoning map remains a black-and-white paper document — one of the last of its kind among North Carolina municipalities of comparable size — and that the GIS work underway would support production of a properly formatted, color-coded digital map.

The core proposal is to rezone non-residential uses to zoning districts that accurately describe their actual use. The most prominent example is the Biltmore Forest Country Club and golf course, comprising approximately 131 acres, which is currently zoned R-1. Mr. Kanipe noted that if the club were ever to cease operations, that property would be legally available for single-family residential development at current R-1 density — a contingency he argued the town should address proactively through proper zoning classification, as a matter of responsible long-term planning.

Mr. Kanipe identified several additional categories of property warranting reclassification or special treatment:

- **Civic and Institutional Uses:** Town-owned properties, Carolina Day School, and MAHEC are all currently zoned in residential districts. Mr. Kanipe proposed reclassifying these as civic or institutional zones that accurately reflect their use.

- **Dimensional Non-Conformity:** The Buena Vista and White Oak areas contain lots that cannot meet current dimensional requirements and have never been able to do so. Mr. Kanipe proposed creating defined sub-districts for these areas to resolve the long-standing non-conformity and treat those property owners equitably.
- **Overlay Districts:** Mr. Kanipe introduced the concept of overlay districts as a tool to allow specific uses or dimensional standards in particular areas without altering the underlying zoning. Examples discussed included allowances for perimeter fencing on properties bordering the Blue Ridge Parkway or the Biltmore Estate, and sound barriers for homes along Hendersonville Road.
- **Historic Character Overlay:** Ms. Newnam raised the possibility of a historic overlay district, potentially focused on the platted areas around the golf course that carry original deed-based building setback lines and other distinctive development standards. Mr. Kanipe confirmed this concept is feasible and noted the town has access to those original plats. He cautioned, however, that the deed restrictions themselves are only enforceable by the parties to those deeds, not the town — making a zoning overlay the appropriate mechanism for the town to give those historic standards legal effect going forward.

Mr. Kanipe also noted that the existing ordinance text contains language that is no longer legally permissible — including provisions referencing owner-occupancy requirements and exterior color standards — and that the rezoning process presents an opportunity to remove or correct that language.

The board did not review the proposed zoning map in detail, as Mr. Kanipe indicated the map had not been included in the distributed packet pending further development and group discussion. Chairman Saponaro indicated he would follow up individually with board members on the zoning item prior to the next meeting.

Mr. Kanipe cautioned that even with full board consensus, the rezoning process would require a minimum of three to four months to complete due to mandatory public notice and public hearing requirements. He emphasized his intent to conduct the process with full transparency, noting that because the tree ordinance is now embedded in the zoning ordinance, public hearings are required — a procedural safeguard he had specifically sought when the ordinance was restructured.

Chairman Saponaro adjourned the meeting at 6:05pm. The next meeting was anticipated to occur within the next 45 days and Mr. Kanipe will give specific date options.

PLANNING COMMISSION MEETING

OCTOBER 6, 2026



AGENDA ITEM - 3

ZONING MAP AMENDMENTS - DISCUSSION

BACKGROUND

During our last meeting, the Commission reviewed potential zoning district amendments that included potential changes for existing higher density homes/properties developed prior to the current zoning ordinance. Additionally, the Board reviewed the potential changes for non-residential properties into civic/government, institutional, and recreation/club districts. The memo from last month is included below for your review as there have been no changes to these original ideas.

ACTION REQUESTED

Staff requests the Commission's direction to further analyze and develop these zoning map amendments for review and consideration at the next meeting in December.

INFORMATION FROM MEMO TO PLANNING COMMISSION – JULY 28, 2026

This agenda item asks the Planning Commission to begin a focused discussion about whether the Town's zoning map should better distinguish between established residential areas, existing non-residential properties, and limited residential areas with unique historic or location-based conditions. The intent is not to expand development rights, but to improve clarity, reduce unnecessary variance requests, and ensure the zoning map more accurately reflects existing conditions.

In February, I discussed a potential Planning Commission review of how non-residential properties are classified on the Town's zoning map. At that time, the focus was not on amending existing residential zoning districts or expanding allowable land uses. The purpose was to improve clarity and alignment between zoning classifications and actual land use.

Several properties within the Town are clearly non-residential in nature, including the country club, Town offices and facilities, and Carolina Day, but are currently zoned within single-family residential districts (R-1 and R-2). These uses are lawful and well established,

but their zoning classification does not accurately reflect their function or purpose. My initial review focused only on those areas. Since then, I have also identified portions of existing residential districts that may benefit from a similar “real world” lens, either through a specific new zoning district or an overlay district designation.

CURRENT ZONING MAP CONCERNS

The current zoning approach creates confusion for residents, complicates enforcement and interpretation, and creates long-term policy risks when residential zoning districts function as placeholders for institutional or civic uses.

Unlike similar jurisdictions, the Town has not created separate zoning districts for established non-residential uses. Communities such as Highlands, Blowing Rock, Pinehurst, and others have addressed this issue by creating limited, purpose-specific districts that acknowledge existing non-residential uses without opening the door to broader commercial development. These districts are narrowly tailored, map-applied, and designed to recognize what a property is, not what it might become in the future.

In addition to the non-residential zoning issue, there are also limited residential areas where the zoning map may not reflect existing development patterns. These areas present a different concern: the goal is not to change the Town’s residential character, but to consider whether the current zoning standards create unnecessary nonconformities for long-established homes.

RESIDENTIAL DISTRICT ADJUSTMENTS

Our true residential districts – R-1, R-2, and R-3 – encompass all of the Town’s residential properties. Homes exist within those zones, however, that were constructed at the Town’s inception and when no zoning district (or setback requirements) were in place. Therefore, those properties and the houses on them are often non-conforming or require variance approval to construct anything or make improvements on their property. Despite being currently placed in the R-2 zone, these lots are significantly smaller and possess shallower setbacks than modern R-2 rules allow. A new zoning district for these properties could establish custom development standards (e.g., 30-foot front setbacks instead of 50-foot; reduced lot dimensions) that legalize the existing footprints and instantly relieve the Board of Adjustment from non-controversial building addition variances. Further, this may allow property maintenance and improvements on these properties that respect the historic nature of these homes while understanding they exist nearly a century after their construction.

POTENTIAL RESIDENTIAL OVERLAY DISTRICTS

Overlay districts allow the Town to provide certain uses within areas in a zoning district without amending the entirety of the district itself. An example of this would be allowing fences in front yard of residential homes that are on Hendersonville Road or on the back

side of properties that abut non-residential, forested uses that are either public property (such as the Blue Ridge Parkway) or along the Biltmore Estate property line where wildlife migrations are significant. These simple overlay districts would recognize the unique nature of these areas and simply allow for fencing by right under certain circumstances. For the homes on Hendersonville Road, this includes allowances for front-yard screening structures, such as fences or walls, and expanded driveway designs to eliminate the hazardous requirement of vehicles backing out onto an active multi-lane highway.

EXISTING NON-RESIDENTIAL PROPERTIES

The following are illustrative examples of how such districts could be named and defined. These are not draft ordinance language, but conceptual frameworks to support further discussion:

Civic / Government District

Intended to recognize properties owned or operated by the Town or other governmental entities and used for public administration, services, or civic purposes.

Institutional District

Intended for educational or cultural institutions, such as private schools, that serve the community but are not residential in character.

Recreational/Club District

Intended to recognize membership-based recreational facilities, such as a country club or golf course, that are neither residential nor commercial in nature.

NEXT STEPS

The above naming conventions and definitions are for illustrative purposes and to show *how* these changes may look. The important takeaways are that any potential changes should be guided by the following principles:

- No expansion of permitted uses or development intensity
- Map-applied, limited-scope districts only or overlay districts where necessary
- Clear acknowledgment of actual, established land use
- Preservation of the Town's residential character

This is not a small or quick project. Effective and good government policy requires this discussion at the outset and then to gather public feedback and receive discussion on these potential changes. The Planning Commission's role is to provide recommendations to the Board of Commissioners on revisions or amendments and the Board then makes the

final decision after a public hearing. It is imperative, therefore, to have ample opportunity for the public to express thoughts regarding these potential changes.

To assist with your thoughts, attachments are included that detail the existing Zoning Districts and their definitions. Please let me know if you have additional questions.

ATTACHMENT

(1) Ch. 153.005 – Zoning Map Districts and Definitions

§ 153.005 ESTABLISHMENT OF ZONING DISTRICTS AND MAP.

(A) *Use districts.* For the purpose of this chapter, the town is hereby divided into the following use districts:

- (1) R-1 Residential District;
- (2) R-2 Residential District;
- (3) R-3 Residential District;
- (4) R-4 Residential District;
- (5) R-5 Residential District; and
- (6) P-S Public Service District.

(B) *Establishment of district boundaries.* The boundaries of these districts are hereby established as shown on the official zoning map of the town.

(C) *Establishment of zoning map.* A zoning map, entitled the "Official Zoning Map of the Town of Biltmore Forest," depicts all approved use districts and their respective boundaries. Such map is hereby made a part of this chapter and shall be maintained by the Town Zoning Administrator and updated to reflect changes and amendments to this zoning ordinance. This map shall be available for inspection by interested persons during normal business hours of the Town Zoning Administrator. It shall be the duty of the Town Zoning Administrator to maintain the map and post any changes thereto as they may be made.

(D) *Rules governing district boundaries.* Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, streams, rivers, or other bodies of water, shall be construed to follow such lines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following town limit lines shall be construed as following such town limit lines;

(4) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefor as indicated on the zoning map. If no distance is given on the map, such dimension shall be determined by the use of the scale shown on said zoning map; and

(5) Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by divisions (D)(1) through (D)(4) above, the Board of Adjustment shall interpret the district boundaries.

(E) *Statement of district intents.*

(1) *R-1 Residential District.*

(a) The R-1 Residential District encompasses most of the town's developed residential areas and contains residential structures of historical and architectural significance in a most unique residential environment. The intent of the R-1 District is to preserve and enhance the character of existing neighborhoods and generally to provide a pleasant living environment. These neighborhoods consist of single-family owner occupied detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low-density residential environment.

(b) Nonresidential uses, including home occupations, have been limited in this District as a means of maintaining the character of these neighborhoods. Likewise, dimensional requirements pertaining to lot size, building setbacks, yard requirements, and height limitations have been established to promote the general welfare and preservation of the community.

(c) Future construction and alteration of existing structures should be oriented at maintaining and enhancing the existing character of the residential neighborhoods. Therefore, structures should be compatible in materials, height, siting, color, texture, scale, and proportion to the other structures in the neighborhood. The R-1 District also contains undeveloped areas to provide locations for future single-family subdivisions.

(d) Consistent with, and to protect the existing character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(2) *R-2 Residential District.*

(a) The R-2 Residential District is established to protect and maintain existing neighborhoods, which are characterized by single-family residences with smaller lots, and thus greater residential densities than found in the R-1 District.

(b) As in the R-1, nonresidential uses, including home occupations, have been limited in this District as a means of assuring a pleasant residential atmosphere.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(3) *R-3 Residential District.*

(a) The R-3 Residential District is intended to provide locations that will accommodate future residential growth south of the Blue Ridge Parkway. This District is intended to provide locations for future subdivisions and for planned unit residential developments as special uses when design plans show that such developments will be compatible with the surrounding development and available public services.

(b) This District is primarily a low-density residential district; however, to accommodate contemporary design and building practices, it includes residential planned unit developments as a conditional use at a maximum density of eight dwelling units per acre. Nonresidential uses, including home occupations, will also be limited in the R-3 District in order to maintain the same quiet and pleasant living environment as found in the R-1 and R-2 Districts.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(4) *R-4 Residential District.*

(a) The R-4 Residential District provides areas for residential uses, and for special uses professional offices and commercial services. Urban sprawl, strip commercial development, and congestion will be discouraged by promoting good design and clustered development. These areas should provide sufficient space for ample off-street parking and well designed entrances and exits to avoid traffic congestion and safety hazards.

(b) Land uses in this District, other than single-family detached dwelling units, will require a special use permit as a means of assuring and promoting safety and good design. The integrity of residential uses in this zone will be preserved by requiring a 20-foot wide buffer strip between residential and nonresidential uses.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(5) *R-5 Residential District.*

(a) The medium-density district is established as a district where both residential and business uses are accommodated. In addition, a wide range of community facilities and services are also available. It is intended that nonresidential uses, including business uses, shall be compatible with and exist in harmony with the community in which they are located and that adequate standards will be maintained pertaining to the public health, safety, and welfare.

(b) In addition, these areas should provide sufficient space for ample off-street parking and well designed entrances and exits to avoid congestion and safety hazards. Most land use in this District will require a special use permit as a means of assuring and promoting safety and good design.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(6) *P-S Public Service District.*

(a) This District is designed to provide for open green spaces, including forestation and other natural vegetation throughout the jurisdiction.

(b) It is to be used to protect the ambiance of the community by providing a series of natural buffers between residential and nonresidential development.

(c) No structures or buildings shall be allowed on properties in the District except structures and buildings associated with a public park or recreational area or structures and buildings owned and operated by the town and used for a public purpose.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021; Ord. 2025-05, passed 10-14-2025)

OFFICIAL
ZONING MAP
TOWN OF
BILTMORE FOREST
NORTH CAROLINA



ADOPTED: FEBRUARY 20, 2002
REVISION: FEBRUARY 24, 2004
REVISED: OCT. 13, 1998
REVISED: SEPT. 15, 2010

P-3
DISTRICT BOUNDARY LINE
FOLLOWS THE CENTER LINE
OF THE P-3 ZONE AND IS
PARALLEL TO THE CENTER
LINE OF THE P-3 ZONE AND
PARALLEL TO THE CENTER
LINE OF THE P-3 ZONE

P-3
DISTRICT BOUNDARY LINE
FOLLOWS THE CENTER LINE
OF THE P-3 ZONE AND IS
PARALLEL TO THE CENTER
LINE OF THE P-3 ZONE AND
PARALLEL TO THE CENTER
LINE OF THE P-3 ZONE



R-4
DISTRICT BOUNDARY LINE
FOLLOWS THE CENTER LINE
OF THE R-4 ZONE AND IS
PARALLEL TO THE CENTER
LINE OF THE R-4 ZONE

Potential GCO overlay for
"origina" lots off vandy
and many others that
about golf course

R-4
DISTRICT BOUNDARY LINE
FOLLOWS THE CENTER LINE
OF THE R-4 ZONE AND IS
PARALLEL TO THE CENTER
LINE OF THE R-4 ZONE

* Estate + Plenary Overlay
Rear property line facing etc

CPK

PLANNING COMMISSION MEETING

OCTOBER 6, 2026



AGENDA ITEM - 4

TREE PRESERVATION ORDINANCE - DISCUSSION

BACKGROUND

Planning Commission member Angela Newnam has developed the attached potential amendments to the Town's Tree Preservation Ordinance and will review these during the meeting.

The Commission will discuss these potential amendments prior to considering a formal recommendation to the Board of Commissioners.

ATTACHMENT

- (1) Tree preservation ordinance amendments for discussion

SUMMARY OF THE SIMPLIFICATION Process
 Obj: 1) Simplify - eliminate redundant vs commercial vs conservation
 2) Foster Wadsworth of larger size - but fewer of them
 3) Require replanting for any canopy loss
 4) Photo of seedlings & barriers
 5) AGE DIVERSITY OF CANOPY

Definition

Previous
 (DBH inches)

Proposed
 (DBH inches)

Required
 Replant
 Size (DBH)

Tree Preference

- Nonnative Species 36+

- Native to NC 30+

Protected Tree
 Hazard Tree
 Dead, diseased
 Disrupted roots

> 6

6+

> 6 native only

8+ native only

Unregulated Tree
 Non-native
 Native
 INVASIVE

26

26

NA

28

NA

NA

*Native Trees - Red Oak White Oak Hemlock Eastern White Pine Doanwood Holly
 Red Maple Yellow/Tulip Poplar Sweetgum
 Saurwood Longleaf Pine Southern Magnolia Loblolly Pine

§ 153.050 PURPOSE.

(A) In order to maintain the unique characteristics of the town as a residential neighborhood with a history beginning as part of the Vanderbilt Estate, it is necessary to preserve the traditional appearance of Biltmore Forest as a true forest. This is particularly true of trees along the roads and around the perimeter of lots. Trees provide buffer and a natural canopy, and are a hallmark of the town requiring protection. The town is focused on maintaining the current health of the forest and increasing species diversity, with a primary goal to replace hardwood trees, other native trees, and trees of preference more quickly. Trees provide shade, cooling, noise and wind reduction, prevent soil erosion, produce oxygen, filter dust, and absorb carbon dioxide. Trees also provide natural habitat and aesthetic enhancement in the town.

(B) Preservation and appropriate replacement of trees is the intent of this chapter. *OK* *of the remaining trees to rebuild the native canopy and improve age diversity on both public and private property*
This chapter shall apply to all properties within the town except as noted in division (C) below.

(C) This chapter does not apply to properties owned, leased, or controlled by the town. This chapter does not apply to properties that perform forestry activity on forestland taxed on the basis of its present-use value as forestland under G.S. Article 12, Chapter 105. Once an active forestry management plan is no longer in place, the exception for the property will be removed. Property owners with an active forestry management plan shall provide a current copy of this plan to the town each calendar year by January 31. *The Town will act in a leadership role but all 15 exempt from specific requirements*

(D) This subchapter applies to residential and non-residential tree removal that does not involve construction activity. Refer to § 153.034 for landscaping plan requirements and § 153.061 for tree removal and replacement guidelines related to all construction activity.

(Ord. 2023-06, passed 10-9-2023)

§ 153.051 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NON-RESIDENTIAL USES. For the purposes of this chapter, non-residential uses may include specific uses found throughout the town that do not encompass single-family or multi-family residential dwellings. These uses may exist within a residential zoning district, but by actual use, are not residential in nature. Examples of these uses include, but are not limited to, public or private schools; country, athletic, and social clubs; medical or dental offices and campuses.

ORDINANCE ADMINISTRATOR. For the purposes of this chapter, the ordinance administrator charged with administration, inspection, review, and enforcement is the Town Manager or his or her designee, *such as the TOWN ARBORIST*

OUTDOOR RECREATION ACTIVITIES. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed non-residential places, sites, or fields. Active recreational uses and supporting services include swimming, tennis, golf, baseball and other field sports, track, and playground activities.

PROTECTED TREE. A protected tree is any tree six inches or more in diameter at a height of four and one-half feet from the ground (DBH-diameter at breast height) that is in *native* *(B)* *50%* *native* *condition.*

RECOMMENDED PLANTING LIST (RPL). A list developed and updated by the town arborist that includes preferred species based on the tree being removed and acceptable replacement locations. For all replanting requirements, a minimum of 50% of the total replacement trees must come from the RPL with 25% of the total replacement trees being those species identified as trees of preference, as defined below. A minimum of one tree scheduled for replacement shall come from the tree of preference (TOP) list as defined below. The replanting list may be updated periodically and is available on the town's website.

RESIDENTIAL USES. For the purposes of this chapter, residential uses include single-family detached dwelling units found within the R-1, R-2, and R-3 zoning districts and includes attached multi-family residential units found within the R-1, R-2, and R-3 zoning districts.

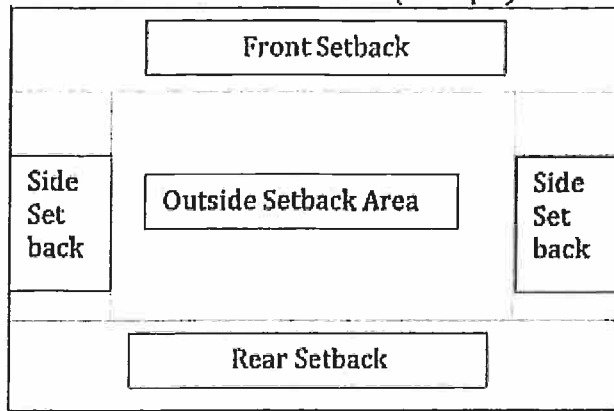
SETBACKS. The minimum yard setback requirement found in § 153.007. **INSIDE SETBACK AREA** is the length found from the street or property line, and **OUTSIDE SETBACK AREA** is the remainder of the property area. An example of setback locations are shown below.

TOWN ARBORIST - Licensed tree expert to review, inspect and approve tree removals & plantings
Native tree - see list

Tree Stump - Root base of a tree, including above and below ground

Tree Canopy - Sun to shade profile provided by tallest trees
INVASIVE TREE - NON-NATIVE DESTRUCTIVE TREE

Setback Determination (Example)



TREES OF PREFERENCE (TOP). Trees that warrant additional attention and regulation due to being a preferred native species or having distinctive height and/or diameter. **TREES OF PREFERENCE** include any healthy, living tree with the following characteristics:

(1) Has a trunk diameter at breast height (DBH) of 36 inches or more;

(2) Any tree native to North Carolina per the United States Department of Agriculture Natural Resource Conservation Service Plants Database with a trunk DBH of 30 inches or more.

HAZARD TREE. A tree that is six inches or more in diameter at a height of four and one-half feet from the ground, and is dead, produces no foliage during normal growing seasons, or a tree that is diseased or damaged to the extent that it is structurally compromised and poses a safety hazard, or a tree that, for any other reason, poses a safety hazard. Safety hazard concerns are evaluated by the town arborist in accordance with best management practices developed by the International Society of Arboriculture (ISA).

UNREGULATED TREE. A tree that is less than six inches in diameter, regardless of height or species, is to be unregulated and not subject to the provisions of this chapter

(Ord. 2023-06, passed 10-9-2023)

§ 153.052 REMOVAL OF PROTECTED TREES.

(A) No person shall remove or in any way damage any protected tree on a property without receiving approval from the appropriate regulatory review body for the removal and paying any applicable fee. Any protected trees removed shall be replaced as outlined in § 153.057 below.

(B) If the Ordinance Administrator concludes the removal of the number of protected trees requested would be undesirable, and not within the letter or intent of this chapter, he or she may refuse to approve such removal, or permit the removal of a lesser number of protected trees. Further, in his or her discretion, the Ordinance Administrator may require that the applicant provide a tree survey showing the location, size, and type of protected trees on a property, including common scientific names. The tree survey shall clearly indicate which protected trees are indicated for removal and which will be left undisturbed. In the case of new construction, the site plan must show the location of building, driveways, terraces, and other structures on the property. All protected trees must be clearly tagged as to retention or removal. The Ordinance Administrator may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Ordinance Administrator, to confirm that the protected tree(s) are on the applicant's property. An applicant has the right to appeal a decision of the Ordinance Administrator to the Board of Adjustment within five business days of the decision.

(Ord. 2023-06, passed 10-9-2023)

§ 153.053 APPLICATIONS FOR REMOVAL OF MORE THAN TEN PROTECTED TREES.

An application to remove more than ten protected trees in 12 successive months shall be made to the appropriate regulatory review authority as shown below. A fee for this application shall be paid along with the application. The review would include an assessment of canopy loss and property impact.

Table 1 - Regulatory Review Body Requirements

Protected Trees Requested for Removal	Regulatory Review Body
1-10 trees	Ordinance Administrator
11-30 trees	Board of Adjustment

31+ trees 50-75% canopy reduction	Board of Commissioners
> 75% canopy reduction	NOT ALLOWED

(Ord. 2023-06, passed 10-9-2023)

§ 153.054 REMOVAL OF UNPROTECTED TREES.

(A) ~~Any~~ ^{Hazard or unregulated} unprotected tree may be removed by the property owner after notifying the town of the plans to remove the tree(s) and receiving approval to do so from the Ordinance Administrator.

(B) The Ordinance Administrator may require the property owner to retain a certified arborist to render an opinion as to the health and structural integrity of the tree(s) in question and report the findings, in writing, to the town before final approval is given. The town reserves the right to consult with its own tree specialist to confirm the health and condition of any tree(s) prior to removal.

(C) Any ~~unprotected~~ ^{Hazard} trees removed shall be replaced as defined in §153.057 below.

(Ord. 2023-06, passed 10-9-2023)

§ 153.055 ENFORCEMENT.

Any unauthorized removal, cutting, or damage to protected or unprotected tree(s) may result in the Ordinance Administrator placing a stop-work order on any activity on the property. This order shall remain in effect until all corrections are made to bring the property into compliance with this chapter, up to and including a final landscaping plan showing the full tree replacement as required by § 153.057 below.

(Ord. 2023-06, passed 10-9-2023)

§ 153.056 DRIP LINE PROTECTION.

The health of protected trees requires the prevention of soil disturbance within the drip line of the trees. Covering this area with pavement or other materials, including excess soil, can affect the health of the tree. Final landscape plans shall protect this area around the tree and denote tree save areas on the plan.

(Ord. 2023-06, passed 10-9-2023)

§ 153.057 REPLACEMENT OF TREES.

(A) The replacement of protected and unprotected trees and trees of preference shall be established in accordance with the following requirements: ^{for residential and commercial (see attached)}

Table 2 - Residential Tree Replacement Requirements

Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size

Table 2 - Residential Tree Replacement Requirements

Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	1	2"	1	2"	1	2"	x	x
19"-36"	1*	3"	1	2"	1	2"	x	x
36"+ ^T	1**	3"	1*	3"	2	2"	1	2"

* Must include a minimum of three screening/buffering trees as defined in RPL

** Must include a minimum of five screening/buffering trees as defined in RPL

^T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

Table 3 - Non-Residential Tree Replacement Requirements

Table 2

Proposed Tree Replacement Requirements

(All causes - Blame, Removal, Death, Disease, Natural Causes)

Size of Tree	Inside Setback			Outside Setback		
	Protected Native	Hazard	Unregulated Native	Protected Native	Hazard	Unregulated
≤ 8	X	X	X	X	X	X
8-18	Removal, Not Allowed	3	X	3	3	X
18-36		4	X	4	4	X
36+		6	X	6	6	X

* 1:1 ratio all replacements

Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected	Unprotected		
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	2	2"	x	x	1	2"	x	x
19"-36"	2*	3"	1	2"	1	3"	x	x
36"+ ^T	2**	4"	1*	3"	1	4"	1	3"
* Must include a minimum of three screening/buffering trees as defined in RPL								
** Must include a minimum of five screening/buffering trees as defined in RPL								
^T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements								

(B) A replacement tree may be planted up to one year prior to the removal of any tree in order to count toward replacement. Replacement trees planted after existing tree removal shall be in the ground within six months of removal of the original tree. The Ordinance Administrator may, for good cause shown, and in his or her sole discretion, extend this period for an additional six months.

(C) The town's recommended planting list (RPL) shall be utilized by applicants when determining what species of trees are to be replanted. A minimum of 50% of the total replacement trees shall come from the RPL with a minimum of 25% of total replacement trees coming from the trees of preference (TOP) list. A minimum of one tree scheduled for replacement shall come from the tree of preference (TOP) list. Variation from these requirements must be granted by the Ordinance Administrator prior to approval and planting.

(D) See the above charts for the minimum replacement size for all deciduous trees. Evergreen trees that are planted as replacement trees shall be a minimum of six feet in height at the time of planting.

(E) (1) Depending on the proximity of other trees and/or structures, lesser quantities of replacement trees may be authorized by the Ordinance Administrator or by the Board of Adjustment (in the case of an appeal to the town) or the Ordinance Administrator may authorize the replanting or replacement of trees in a location or locations where such replacement trees are more likely to survive. For existing residential lots where mature canopies remain after tree removal, replacement requirements may be amended regarding location and species to provide the best opportunity for healthy growth. This replacement requirement discretion is meant solely to allow for maintenance of existing residential lots where the canopy is thick and growing new trees would be impractical and/or difficult. This allowance is not intended for new residential construction.

(2) For non-residential lots, if replanting inside the setback results in an adverse condition to town roads, other public property, other private property, or results in an undue hardship for an outdoor recreation activity, a variance application may be filed with the Board of Adjustment to replant the appropriate number of trees in a different location.

(3) Non-residential properties that include an outdoor recreation activity as a primary purpose, as defined above, are provided a tree removal allowance not to exceed ~~net 50 trees outside the setback~~ of the property in a calendar year. ~~Net removal is defined as the number of protected trees removed minus the number of trees re-planted on the property where the outdoor recreation activity occurs.~~ Prior to removal of trees pursuant to this section, the property owner should submit to the Ordinance Administrator notice of the tree(s) to be removed. For purposes of this net removal allowance, a property owner needs only to submit to the Ordinance Administrator documentation of any protected trees removed and any trees replanted as a record of same for each calendar year. Unprotected trees outside the setback of a non-residential property with an outdoor recreation activity as a primary purpose may be removed without replacement, provided that notice is given to the Ordinance Administrator regarding the necessity for removal.

(F) The town encourages a diversity of species during replanting, with a focus on replenishing hardwood trees within the forest. However, to provide appropriate screening and buffering, particularly among non-residential uses, trees that have a lower canopy (height) at maturity are also encouraged for inclusion in a replanting plan. This combination will ensure the canopy is varied in both height and species.

(G) Replacement trees shall not be planted within the town's right-of-way or in an area to obstruct the view of traffic.

(Ord. 2023-06, passed 10-9-2023)

§ 153.058 INSPECTIONS, APPEALS, BOND, AND PENALTY.

(A) All protected trees designated to remain, pursuant to a tree survey, plus any replacement trees shall be inspected by the Ordinance Administrator six months following any ~~construction~~ to ensure the trees are in a healthy condition. The Ordinance Administrator may require replacement or replanting of replacement trees if the appropriate replacement trees are not in place during this review.

(B) Any person aggrieved by a decision made under this subchapter by the Ordinance Administrator may file, within five

days after the date of such decision, a petition to have such decision reviewed and acted upon by the Board of Adjustment. The decision of the Board of Adjustment shall be subject to review by the Board of Commissioners.

(C) At the option of the town, a bond or other type of guarantee can be required of the property owner and/or applicant when submitting a tree removal application to ensure all replanting requirements are met to the satisfaction of the town.

(D) Any violation of this chapter shall be subject to the penalty provisions found in §153.999.

(Ord. 2023-06, passed 10-9-2023)

§ 153.061 GENERAL INFORMATION

(A) Applicability.

(1) Buffer strip plantings, street trees, and parking lot trees and shrubs are required for developments within the town limits.

(2) (a) The following developments are required to be in full compliance with this section.

(b) New residential development, including additions, exceeding more than 500 square feet of roof coverage, and all nonresidential development, including special uses; and

(3) New parking spaces or lots shall comply with the provisions of §153.064.

(B) Landscape and grading plan required. Applicants are advised to meet with town staff in order to review all ordinance requirements and procedures and receive a copy of the plan checklists. As required in § 153.034, a landscape and grading plan meeting town requirements shall be reviewed and approved prior to any grading.

(C) Tree replacement requirements. The following tree replacement requirements are in place for all developments as defined in division (A)(2).

Table 1 - New Construction Tree Replacement Requirements

Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size

Table 1 - New Construction Tree Replacement Requirements

Size of tree removed (DBH)	Inside setback area				Outside setback area			
	Protected		Unprotected		Protected		Unprotected	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	1	2"	1	2"	x	x
13"-18"	2	2"	1	2"	2	2"	1	2"
19"-36"	2*	3"	2	2"	2	3"	2	2"
36"+ ^T	2**	4"	2*	3"	2	4"	2	3"

* Must include a minimum of three screening/buffering trees as defined in RPL

** Must include a minimum of five screening/buffering trees as defined in RPL

^T If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

(D) Alternative compliance.

(1) The landscape requirements are intended to set minimum standards for quality development and environmental protection and are not intended to be arbitrary or inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternate method of compliance with the landscape requirements. The Board of Adjustment, in consultation with the Design Review Board, may alter the requirements of this section as long as the existing or added landscape features of the development site comply with the intent of this chapter.

(2) Requests for alternative compliance shall be accepted if one or more of the following conditions are met.

(a) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;

(b) Space limitations, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in

34FFER
53000
miss

an NEW Development or Substantial Addition
[NOT FULLY REVIEWED → after Trees]

required
Before any tree removal,
Tree removal cannot begin
without review and a permit for the required construction.
on table 2 (previous) (Repeat?) are the same as

Not
removed.
So all
cases.

the surrounding neighborhood (such as use of a specific type of vegetation) may justify alternative compliance when changing the use type of an existing building in an established mature neighborhood; or

(c) An alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the intent of the ordinance, and exhibits superior design quality.

(3) The property owner must submit a plan of the area for which alternative compliance is requested to the Town Manager 14 days prior to the meeting of the Design Review Board at which the request will be considered. The site plan shall show existing site features and any additional material the property owner will plant or construct to meet the intent of the buffer, street tree, and parking lot tree requirements.

(4) In addition, the applicant must submit a written statement explaining and justifying the need for alternative compliance. Upon recommendation from the Design Review Board following their review, alternative compliance plan shall then be considered by the Board of Adjustment. Alternative compliance shall be limited to the specific project being reviewed and shall not establish a precedent for acceptance in other cases.

(Ord. 2023-07, passed 10-9-2023)

(5) If trees are removed and the construction does not commence as planned, the required replantings must take place.

§ 153.062 EXISTING VEGETATION IN R-4 OR R-5 ZONES.

(A) Preserving trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, and mitigate the impacts of development on the community. It is recommended that groups of trees be preserved, as well as individual trees. Existing trees and shrubs designated for preservation may be credited towards required buffer trees, street trees, and parking lot trees at the discretion of the Ordinance Administrator as described below.

(B) As required in § 153.052, no person shall remove or in any way damage any protected trees without first filing an application for the removal and receiving approval from the town. This requirement is applicable to both residential and non-residential uses within the town.

(C) Special attention shall be given to protected trees located within 20 feet of the rear or side property line of property meeting the definition of an incompatible land use.

~~(1) Credits and other incentives to preserve vegetation within non-residential land use.~~

~~(a) Vegetation located in the buffer strip. One existing evergreen shrub over four feet high located in the buffer strip may be credited for two new shrubs, also on a case-by-case basis by the Board of Adjustment.~~

~~(b) Vegetation located elsewhere on the property.~~

~~1. Trees designated for preservation may be credited at the rate of the following.~~

~~Two-inch to six-inch caliper tree = one tree~~

~~Seven-inch to 12-inch caliper tree = two trees~~

~~Thirteen-inch to 18-inch caliper tree = three trees~~

~~Nineteen-inch to 24-inch caliper tree = four trees~~

~~Twenty-five-inch and greater = five trees~~

~~2. One existing shrub over four feet high may be credited for two new shrubs. In order to receive credit, vegetation designated for preservation shall be in good health and condition. Trees and shrubs designated to be preserved shall be indicated on the landscape and grading plan, as well as all protective barriers. If a tree or shrub designated for preservation dies within five years of the project's completion, it must be replaced with the total number of trees or shrubs which were credited to the existing tree or shrub within six months from removal of the dead trees or shrubs.~~

~~(2) Protection of existing trees and shrubs during construction.~~

~~(a) 1. No grading or other land-disturbing activity shall occur on a site with existing trees or shrubs which are designated to be preserved in order to meet the landscaping requirements until the landscape and grading plan has been approved by the Board of Adjustment and protective barriers are installed by the developer and approved by the Zoning Administrator. Trees designated for preservation which are counted toward the landscape and buffering requirements shall be protected by barriers, while trees designated for preservation which do not count toward the landscape and buffering requirements are encouraged to be protected by barriers. The diameter of the trees designated for preservation and the location of protective barriers shall be shown on the landscape and grading and site plans with the dimensions between the tree trunk and barrier indicated.~~

~~2. Protective barriers shall be placed around the root protection zone of trees designated for preservation that are within 50 feet of any grading or construction activity. Protected ground areas for shrubs shall consist of an area twice the diameter of the shrub. All protective barriers shall be maintained throughout the building construction process.~~

~~(b) 1. All contractors shall be made aware of the areas designated for protection.~~

~~2. No disturbance shall occur within the protective barriers, including:~~

- a. Grading;
 - b. Filling, unless an aeration system which is certified by a registered landscape architect, certified arborist, or state cooperative extension specialist is installed to protect the tree from suffocation;
 - c. Temporary or permanent parking;
 - d. Storage of debris or materials, including topsoil;
 - e. Disposal of hazardous wastes or concrete washout; and
 - f. Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.
3. If any area within the root protection zone will be disturbed for any reason, a registered landscape architect, certified arborist, or state cooperative extension specialist shall recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.
4. The developer shall coordinate with the utility companies early in the design process to resolve potential conflicts about the placement of utilities and buffer and screening requirements in § 153.063(B)(5). The Zoning Administrator shall approve the placement of the utilities either outside of the root protection zone or tunneled at least two feet directly below the tree roots to minimize root damage.
5. If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of a tree protection zone in order to prevent sediment from accumulating in the drip line area.
- (c) Tree protection zone signs shall be installed on the tree protection barriers visible on all sides of the protection area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION ZONE, KEEP OUT" or "TREE SAVE AREA, KEEP OUT".

(Ord. 2023-07, passed 10-9-2023)

153 063
064
071



no changes except
~~new~~ same rules
for residential
and commercial